

## **REMARKS/ARGUMENTS**

Applicants have studied the Office Action dated August 15, 2006 and have made amendments to the claims. It is submitted that the application, as amended, is in condition for allowance. By virtue of this amendment, claims 1-2, 4, 6-14, 16, 18-26, 28, 30-38, 40, 42-53, 55-67, and 69-70 are pending. Claims 1, 4, 6-7, 10, 12-13, 16, 18-19, 22, 24-25, 28, 30-31, 34, 36-37, 40, 42-44, 47, 49-52, 55-59, 62-67, and 70 are amended. Reconsideration and allowance of the pending claims in view of the above amendments and the following remarks is respectfully requested.

In the Office Action, the Examiner:

- (2-3) rejected claims 1, 4, 13, 16, 25, 28, 37, 40, 50, 51, 52, 55, 56, 59, 65, 66, and 67 under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention;
- (4) rejected claims 6-7, 18-19, 30-31, 42-44, and 57-59 under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention; and
- (5-65) rejected claims 1-2, 4, 6-14, 16, 18-26, 28, 30-38, 40, 42-53, 55-67, and 69-70 under 35 U.S.C. § 103(a) as being anticipated by Petrovykh (U.S. Pub. No. US 2002/055975 A1) in view of Auerbach (U.S. Patent No. 6,549,937).

### **(2-3) Rejection under 35 U.S.C. §112**

The Examiner rejected claims 1, 4, 13, 16, 25, 28, 37, 40, 50, 51, 52, 55, 56, 59, 65, 66, and 67 under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Specifically, in item 3 of the Office Action, the Examiner states that "it's unclear ... what is the calling convention base code? What exactly is the calling convention base code protocol, format?"

A "base code" is fully supported throughout the specification of the instant application. For instance, on page 12, lines 15-16, the following text appears: "Botserver base code 206 comprises the substantive functions performed by each Botserver 106 through 116." Furthermore, "base code" is shown as element 206 in FIGs. 2A and 2B. Therefore, base code is sufficiently supported in the specification to satisfy the requirements of 35 U.S.C. § 112.

Applicants submit that the term "calling convention" is also supported in the specification and is a term that is well known by those of skill in the art. For instance, Wikipedia, the web-based encyclopedia, found at [www.wikipedia.com](http://www.wikipedia.com), defines a "calling convention" as "a method for a programming language to send data to a function, and receive data back from functions. When writing a piece of software in multiple languages and modules, it is necessary for all modules to use compatible calling conventions." In addition, Newton's Telecom Dictionary, 22<sup>nd</sup> updated and expanded edition, 2006, published by CMP books of San Francisco, defines "calling" as "a procedure which consists of transmitting address signals in order to establish a link between devices that want to talk to each other" and "convention" as "a rule of conduct or behavior which has been reached by general agreement, commonly by a standards-making body, whether formal (e.g., the ITU) or ad hoc (e.g., Bell Telephone Laboratories) in nature."

These definitions are completely consistent with the use of the term "calling convention" in the specification and claims of the instant application. For instance, page 4, para. 0053 of the instant specification states:

The calling conventions utilized by Botserver base code 206 to communicate with messaging application 202 must adhere to the calling

conventions of messaging API 204. Likewise, the calling conventions of messaging API 204 must adhere to the calling conventions of messaging application 202. As a result, there is no need for Botserver base code 206 to adhere to the calling conventions used by messaging application 202. Conversely, there is no need for messaging application 202 to adhere to the calling conventions of Botserver base code 206. This is advantageous as it allows Botserver base code 206 and messaging application 202 to be independent of each other. Thus, the use of messaging API 204 increases the compatibility and portability of both Botserver base code 206 and messaging application 202.

From the above description, it is clear that calling conventions are used by the modules of the present invention to communicate with each other. Therefore, the use of the term "calling convention" in claims 1, 4, 13, 16, 25, 28, 37, 40, 50, 51, 52, 55, 56, 59, 65, 66, and 67 is completely consistent with the use of "calling convention" as used in the specification and as is known in the art. Applicants submit that the rejection of Claims 1, 4, 13, 16, 25, 28, 37, 40, 50, 51, 52, 55, 56, 59, 65, 66, and 67 under 35 U.S.C. § 112, second paragraph, as discussed above, is improper and respectfully request that the Examiner withdraw the rejection of Claims 1, 4, 13, 16, 25, 28, 37, 40, 50, 51, 52, 55, 56, 59, 65, 66, and 67.

#### (2-3) Rejection under 35 U.S.C. §112

The Examiner rejected claims 6-7, 18-19, 30-31, 42-44, and 57-59 under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Specifically, in item 3 of the Office Action, the Examiner states that there is insufficient antecedent basis for the limitation "API" in the claims.

Claims 6-7, 18-19, 30-31, 42-44, and 57-59 have been amended to spell out the complete words for which the acronym API stands for. Applicants submit that the rejection of Claims 6-7, 18-19, 30-31, 42-44, and 57-59 U.S.C. § 112, second paragraph, has been overcome and respectfully request that the Examiner withdraw the rejection of Claims 6-7, 18-19, 30-31, 42-44, and 57-59.

(5-65) Rejection under 35 U.S.C. §103(a) Petrovykh in view of Auerbach

As noted above, the Examiner rejected claims 1-2, 4, 6-14, 16, 18-26, 28, 30-38, 40, 42-53, 55-67, and 69-70 under 35 U.S.C. § 103(a) as being anticipated by Petrovykh (U.S. Pub. No. US 2002/055975 A1) in view of Auerbach (U.S. Patent No. 6,549,937).

Before discussing the prior art in detail, Applicants believe that a brief review of the invention as claimed, would be helpful. Amended independent claim 1 recites, *inter alia*:

a first interface mutually registered with at least one of a plurality of client messaging applications, the interface for performing the steps of:

receiving a message from the at least one of the plurality of client messaging applications; and

translating a calling convention of the message to a calling convention of a base code;

a computer communicatively coupled to the first interface, the computer for performing the steps of:

determining the destination of the message, wherein the destination is **an autonomous computer program that acts as an agent for another program**; and

selecting the **autonomous computer program** determined to be the destination of the message; and  
a second interface for performing the steps of:

translating, in response to the selecting, the message in the calling convention of the base code to a calling convention of the **autonomous computer program** determined to be the destination of the message; and

transmitting, in response to the translating, the message to the selected **autonomous computer program** determined to be the destination of the message without further user intervention. (emphasis added)

The present invention is a system and method for allowing client messaging applications, regardless of the calling convention used by the client application, to

communicate with a third party application, regardless of the calling convention used by the third parties, through the use of bots. Bots are autonomous computer programs that act as agents for other programs and are operable to transmit messages from any client messaging application to any third party application. Instant application, page 7, lines 15-16 and page 12, line 20 through page 13, line 4.

In one example of the operation of a bot, a bot, as used in the present invention, is programmed to retrieve telephone numbers from a telephone number database. The bot receives from a client an instant text message including the text request: "Phone number: John Doe." The bot recognizes the text of the instant message as a request for a telephone number. The text of the instant message is then translated into a query that is handled by a third party application, which, in one example, is a telephone number database. Using this query, the bot then retrieves the telephone number from the third party application.

The deficiencies of the Petrovykh reference, in light of the present invention, were discussed in detail in Applicants' June 19, 2006 response to the March 17, 2006 Office Action. Applicants thank the Examiner for removing the 35 U.S.C. 102 (e) rejection under Petrovykh based on Applicants' arguments. In addition to the deficiencies of the Petrovykh reference previously pointed out by the Applicants, Petrovykh also does not disclose, the use of bots.

The new reference, Auerbach, cited by the Examiner and combined with Petrovykh under 35 U.S.C. § 103, does not make up for the deficiencies of Petrovykh. Auerbach is a direct language-to-language converter where a "protocol services module for each service provider translates outgoing messages from the common format provided by the API to the unique format and protocol used by the respective service provider." Auerbach, col. 7, lines 9-12. Therefore, as shown in FIG. 3 of Auerbach, the routing module 128 routes a message in the format of the API 126 to a protocol service module 130, which in turn, converts the message and routes it directly to the service provider server 106. Neither Auerbach nor Petrovykh teach or suggest the use of

autonomous computer programs that act as agents for other programs, i.e., bots, because Auerbach and Petrovykh are only concerned with direct communication of messages and not with tasks, such as searching databases, as is performed by the bots of the present invention.

Independent claims 13, 25, 37, 50, 51, 52, 65, 66, and 67 have been amended to contain limitations similar to independent claim 1 and distinguish over Petrovykh and Auerbach for the same reason as does independent claim 1.

It is accordingly believed to be clear that Petrovykh, whether taken alone or in any combination with Auerbach neither shows nor suggests the features of claims 1, 13, 25, 37, 50, 51, 52, 65, 66, or 67. Claims 1, 13, 25, 37, 50, 51, 52, 65, 66, and 67 are, therefore, believed to be patentable over the art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on either claim 1, 13, 25, 37, 50, 51, 52, 65, 66, or 67, and the Examiner's rejection should be withdrawn

### **CONCLUSION**

In this Response, Applicants have amended certain claims. In light of the Office Action, Applicant believes these amendments serve a useful clarification purpose, and are desirable for clarification purposes, independent of patentability. Accordingly, Applicants respectfully submit that the claim amendments do not limit the range of any permissible equivalents.

Applicants acknowledge the continuing duty of candor and good faith to disclosure of information known to be material to the examination of this application. In accordance with 37 CFR §1.56, all such information is dutifully made of record. The foreseeable equivalents of any territory surrendered by amendment are limited to the territory taught by the information of record. No other territory afforded by the doctrine


of equivalents is knowingly surrendered and everything else is unforeseeable at the time of this amendment by the Applicants and their attorneys.


Applicants respectfully submit that all of the grounds for rejection stated in the Examiner's Office Action have been overcome, and that all claims in the application are allowable. No new matter has been added. It is believed that the application is now in condition for allowance, which allowance is respectfully requested.

**PLEASE CALL** the undersigned if that would expedite the prosecution of this application.

Respectfully submitted,

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